



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-54112-2025(O&M)
Date of Decision: 29.09.2025**

Saggan Singh @ Sagga

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: - Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J.

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.65 dated 18.03.2024 registered under Sections 148, 149, 323, 324, 506, 326, 307 of the Indian Penal Code, at Police Station Babain, District Kurukshetra.

2. Brief facts of the prosecution case are that the FIR was lodged on the statement of Shishpal-complainant, who alleged that on 16.03.2024 at about 10.00 pm, Sanjeev Kumar, brother of the complainant was being beaten by the petitioner and his co-accused. When the complainant



intervened, the accused persons including the petitioner armed with deadly weapons, caused injuries to the complainant, his brother and cousin. The injured were shifted to LNJP Hospital, Kurukshetra for treatment.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He contends that the petitioner is behind bars since 02.06.2024. The investigation in the case is complete, challan stands presented and charges have also been framed, but the trial is not making any headway as out of 14 prosecution witnesses only 01 has been examined till date. Further, weapon of offence has already been recovered and no recovery and no recovery is to be effected. Further, co-accused Pardeep Singh has already been granted the concession of regular bail by the Trial Court vide order dated 29.11.2024 (Annexure P-5). He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for bail by submitting that the offence committed by the petitioner is serious in nature and it is the petitioner who gave sword blow on the head of the complainant. He has further submitted that the petitioner is also involved in multiple other cases



meaning thereby he is an habitual offender.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last about 01 year 04 months, investigation is complete; challan stands presented; charges have also been framed, and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. Reliance is placed upon in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein, Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

8. As regards the submission of learned State counsel that petitioner is involved in other/another case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-



"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

9. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

29.09.2025

D.Bansal

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No